

**BIRMINGHAM CITY COUNCIL**

**REPORT OF DIRECTOR OF REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**17 JANUARY 2024**

**ALL WARDS AFFECTED**

**TRADING STANDARDS FINALISED PROSECUTIONS BETWEEN  
APRIL 2023 TO NOVEMBER 2023**

**1. Summary**

- 1.1** This report summarises the outcome of legal proceedings taken by the Trading Standards service between 1 April 2023 to 30 November 2023.

**2. Recommendation**

- 2.1** That the report be noted.

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### **3. Background**

3.1 The Trading Standards service delivers consumer protection and business support services in the areas of unfair trading investigations protecting vulnerable citizens from rogue traders and unfair commercial practices. Four key priorities have been identified for the trading standards service alongside the broad and varied work undertaken by the service.

- (a) The prevention of supply of age restricted products to minors remains a key priority for both the Licencing and Public Protection Committee and the Trading Standards Service. In particular this year vape's and nitrous oxide received significant public interest.
- (b) Acquisitional crime, such as counterfeit and unsafe products, continues to be an important aspect of work to support investment from legitimate traders.
- (c) Unfair and misleading actions by rogue traders who target vulnerable adults is also a priority for the service, investigating builders that seek to exploit residents charging for unnecessary work or simply not completing work paid for.
- (d) Targeted work looking at lettings agents, estate agents and landlords to protect tenants and potential renters from unnecessary and illegal fees and charges and illegal actions from traders operating within this sector.

3.2 Trading Standards has a toolkit of actions at its disposal such as

- (a) No action.
- (b) Informal Action and Advice.
- (c) Formal Notice or order
- (d) Seizure of goods and forfeiture Proceedings.
- (e) Proceeds of Crime Applications.

3.3 Ultimately Trading Standards can seek to institute criminal proceedings that can be heard in the magistrates or crown court. The institution of proceedings is more likely to be taken for the following reasons.

- (a) Situations where it is evident that a vulnerable individual or vulnerable group has been exploited.
- (b) Obstruction of authorised officers of the service in the lawful execution of their duties.
- (c) Offences involving deceptions, fraud or negligence.
- (d) Wilful disregard for the law.
- (e) Risk to public health /safety
- (f) Public nuisance
- (g) Categories of offences which create significant financial burden to the taxpayer or impact at a community-wide level or that undermine public/business confidence in the City.

- 3.4 A number of instituted proceedings have been concluded where the sentence for the convicted defendant has been a custodial sentence rather than a fine.

#### **4.1 Cases Finalied**

See Appendix 1.

### **5. Implications for legal services**

- 5.1 Legal services are a key partner and are involved in the matters listed in section 4, providing advice, support and presenting matters at court. When a decision is made to institute proceedings, Legal service provide oversight, case management and expert legal support to ensure cases are progressed and that any necessary legal input is provided in a timely manner.

### **6. Financial Implications**

- 6.1 Trading Standards operates within budget and any legal costs recovered are utilised by the service to undertake investigations and projects in prioritised areas.
- 6.2 Whilst costs cannot be a consideration to ensure justice is served, matters that are referred to the crown court due to the seriousness of the offending tend not to provide for cost recovery. It is more likely that compensation for the injured parties will be prioritised over the costs incurred by the prosecuting authority. Further, where the investigation is concluded at crown court land the defendants is convicted, it will be an expectation the authority will consider proceeds of crime investigations and seek restraint of assets.

### **7. Implications for Policy Priorities**

- 7.1 Enforcement action taken against rogue traders protects legitimate traders from unfair trading practices and increases the likely hood of investment from those business that are not competing with “fly by night” operatives that undermine consumer confidence and the local economy by their practices.

Trading Standards is a key service in tackling rogue traders looking to take advantage of vulnerable residents and individuals and seeking to exploit opportunities that arise within the ghost market.

- 7.2 Trading Standards Service supports the Regulation and Enforcement Mission Statement: Locally accountable and responsive fair regulation for all – achieving a safe, clean, green and fair trading city for residents, business and visitors.

- 7.3 Prosecution and removal of rogue traders will help and support communities to flourish.

**8. Public Sector Equality Duty**

- 8.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

**DIRECTOR OF REGULATION AND ENFORCEMENT**

## APPENDIX 1

Defendant	Details of Offending	Fine issued or penalty	Cost awarded	Cost requested
Sajid Hussain Birmingham	Fraud Act 2006 Pleaded guilty to one offence of being a home carer to an elderly gentleman who lived on his own with eyesight problems. Mr Hussain dishonestly abused that position by acquiring bank statements, possessing unauthorised photographs of bankcards and bank statements belonging to the gentleman and using them without his consent in order to make purchases through the unauthorised use of his bank details.	£0.00 (26 weeks custody (suspended for 12 months) Curfew for 26 weeks (5pm till 5am to remain inside his home address) To attend 15 rehabilitation days)	£1000.00	£2,097.00
Hasnain Sabir Birmingham	Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and The Children and Families Act 2014. Pleaded guilty to one offence of selling a nicotine inhaling product, namely an Elf Bar Pink 1235 600 vape product to a person aged under 18 at PAK Supermarket Ltd, 121 Lozells Road, Birmingham.	£40.00	£100.00	£983.00
Saqlian Nawaz Birmingham	Trade Marks Act 1994 Pleaded not guilty to two offences of having goods, including clothing, footwear and accessories, in possession for sale which bore registered trademarks without the consent of the trademark holders. The offences relate to seizures made by Trading Standards at two commercial premises, 751B, Stratford Road, Sparkhill, Birmingham (seizure made on 27th July 2018) and Unit 10, The Souk Shopping Centre, 846-848 Stratford Road, Sparkhill, Birmingham and a white Citroen van (seizure made on 30th December 2019). Found guilty following trial.	£0.00 (27 months immediate custody Costs and forfeiture adjourned until conclusion of confiscation proceedings)	£0.00	£0.00
Sean's Drinks Ltd 1260 Coventry Road Birmingham B25 8BJ Jaswinder Kaur Birmingham	Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and The Children and Families Act 2014. Both defendants pleaded guilty to one offence of selling a nicotine inhaling product, namely an Elf Bar 600 Disposable Vape product, to a person aged under 18 at Sean's Drinks, 1260 Coventry Road, Hay Mills, Birmingham.	£635.00	£1430.60	£2,065.60

Defendant	Details of Offending	Fine issued or penalty	Cost awarded	Cost requested
Zaki Supermarket Ltd 444-446 Alum Rock Road Birmingham B8 3HT Khaystagul Zamankhel Birmingham	Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and The Children and Families Act 2014. Pleaded guilty to one offence of selling a nicotine inhaling product, namely a Geek Bar 575 Disposable E-Cigarette, to a person aged under 18 at Zaman Supermarket Ltd, 444-446 Alum Rock Road, Birmingham.	£1,150.00	£1,417.00	£2,567.00
Mohammed Junaid Sajad Birmingham	Common Law Criminal Law Act 1977 Pleaded guilty to two offences: one of conspiring to defraud customers purchasing second-hand vehicles from 101 Vibart Road, Yardley, Birmingham by dishonestly making false representations as to the previous ownership, service history, maintenance, condition and roadworthiness of the vehicle and the identity and business address of the seller of the vehicles and one offence of transferring and/or converting criminal property, namely the proceeds of the sale of falsely described motor vehicles	£0.00 (35 months custody - 1st offence 24 months custody - offences 2 and 3 (to run concurrently) + Criminal Behaviour Order POCA timetable set)	£0.00	£0.00
Nabaz Jalal Hassani Wolverhampton	Trade Marks Act 1994 Proceeds of Crime Act 2002 Pleaded not guilty to three offences three offences; two of having goods, namely 12 pouches of tobacco and 18 packets of cigarettes, in possession for supply at Maxi Food, 6 Wood End Road, Erdington, Birmingham, which bore registered trademarks without the consent of the trademark holders and one of having criminal property in possession, namely 514 packs of illicit cigarettes which were not compliant with packaging requirements and 32 bottles of illicit vodka which did not bear UK paid duty stamps. Found guilty following trial.	£0.00 (4 months custody suspended for 18 months + 120 hours unpaid work (concurrent on all 3 offences)POCA timetable set)	£0.00	£0.00
Indus Foods Ltd 75 Sampson Road North Sparkbrook Birmingham B11 1BH	Trade Marks Act 1994. Pleaded guilty to one offence of having goods, namely 4848 jars and packets of pickle products, in possession for supply at Indus Foods Ltd, 55-58 Stratford Street North, Sparkbrook, Birmingham, which bore a registered trademark without the consent of the trademark holder	£2,000.00	£8,499.00	£10,499.00

Defendant	Details of Offending	Fine issued or penalty	Cost awarded	Cost requested
Shirkou Jaf Peterborough	Trade Marks Act 1994 Tobacco & Related Products Regulations 2016 Pleaded guilty to eight offences: seven of having goods, namely packets of cigarettes and tobacco of various brands, in possession for supply at SAM minimarket, 898 Bristol Road South, Birmingham, on two separate occasions, which bore registered trademarks without the consent of the trademark holders and one offence of having packets of cigarettes of various brands in possession for supply, which failed to carry the required health warning	£0.00 (TOTAL 32 WEEKS CUSTODY Counts 1 to 3 (TMA) - 12 weeks custody on each count (concurrent) Count 4 (Tobacco) - 4 weeks custody (consecutive to above) Counts 5 to 8 (TMA) - 16 weeks custody (concurrent to each other but consecutive to above) Deprivation order made in respect of all items seized)	£8,718.00	£8,718.00
Gavin Hickman Birmingham	Consumer Protection from Unfair Trading Regulations 2008 As the Director of 24/7 Roofing, pleaded guilty to three offences of recklessly engaging in commercial practices which were likely to distort the economic behavior of the average consumer regarding goods and services supplied in that works undertaken at three properties fell below the standard typically expected of a reasonably competent contractor, caused through a lack of due skill and care. Consumers paid large quantities of money for incomplete substandard works.	£0.00 (15 months imprisonment suspended for 18 months. 25 RAR days. 200 hours unpaid work. Disqualified from being a Director for 10 year)	£2,500.00	£6,250.50

Defendant	Details of Offending	Fine issued or penalty	Cost awarded	Cost requested
Matthew Rose Solihuil	Consumer Protection from Unfair Trading Regulations 2008 Pleaded guilty to two offences of recklessly engaging in commercial practices which were likely to distort the economic behavior of the average consumer regarding goods and services supplied in that works undertaken at two properties fell below the standard typically expected of a reasonably competent contractor, caused through a lack of due skill and care. Consumers paid large quantities of money for incomplete substandard works.	£0.00 (13 months imprisonment suspended for 18 months. 20 RAR days. 150 hours unpaid work)	£2,000.00	£6,250.50
Devinder Singh Coventry	Trade Marks Act 1994 Pleaded guilty to nine offences of having goods, namely phone accessories, in possession for supply at Phone Bits, 25 Great Hampton Street, Birmingham which bore registered trademarks without the consent of the trademark holders	£0.00 (18 month community order 25 RAR days. 150 hours unpaid work POCA timetable set)	£0.00	£0.00
Mohammed Ali Manchester	Consumer Protection from Unfair Trading Regulations 2008 Pleaded guilty to two offences, one of possessing for supply disposable electronic cigarettes at 56b Great Hampton Street, Birmingham and failing to ensure that the products complied with the Tobacco & Related Products Regulations and one offence of engaging in an unfair commercial practice by creating the impression that the goods could be sold legally when they could not.	£0.00 (Community Order for 12 months with a requirement to complete 75 hours unpaid work. Forfeiture and destruction of items seized granted. POCA timetable agreed)	£0.00	£0.00
Mehran Razakdost Birmingham	Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 Children and Families Act 2014 Pleaded guilty to one offence of selling a nicotine inhaling product, namely an Elf Bar 600 Cherry Cola vape product to a person aged under 18 at B&H Trading, 12 Dalton Way, Birmingham.	£480.00	£500.00	£1,936.75